

Synopsis of Col. Benton's Speech at Boonsville, Saturday, June 1.

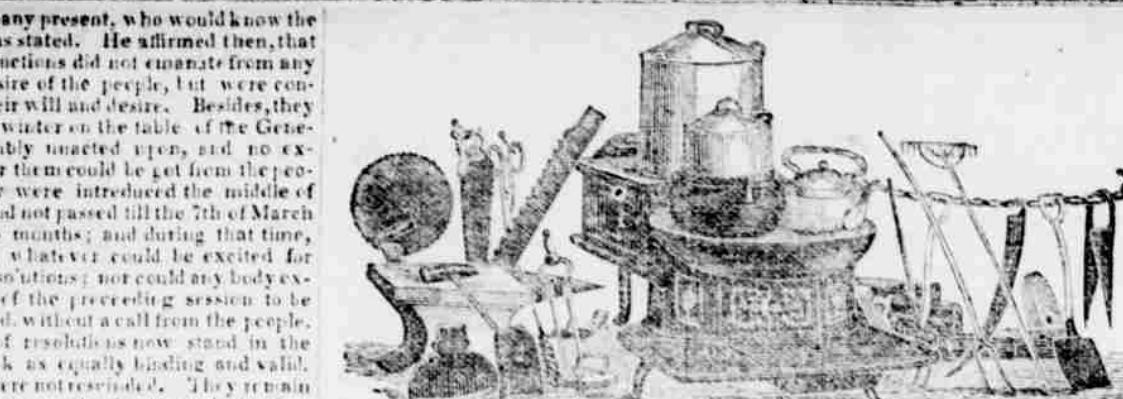
At two o'clock the court was crowded, and as many at the windows as could fit them. Col. Benton made his thanks to the citizens of Cooper, and of Bogerville, for the kind invitation they had given him, and for the full attendance with which they had honored him, and for hearing before they condemned; and went on to say, that if there were any present who had joined in proceeding elsewhere to condemn him before he was heard, he did not wish them to consider him as speaking to them with any view to change their opinions, as it was not his habit to speak to judges who condemned first and hear the defence afterwards.

Proceeding to his subject, he said it was not his intention to repeat here a speech which had been made Jefferson City, and which had been published. That speech was to stand—nothing added to it—nothing subtracted from it, nothing qualified in it. He was particular in saying this, that any person from misapprehension, or inadvertence, should suppose him to vary that speech in any particular, it would be a mistake; and he warned them in time against it. He meant to speak on a different part of the subject; and one which had not been dwelt upon at Jefferson; he meant to speak of his appeal to the people, and vindicate his right, and their right in making it. It was, perhaps, the first time that an appeal had been taken in such a case; and it was certainly the first time that such an occasion for appealing had ever occurred. It was a new case; and required a new remedy; and the want of precedent made more than the doctrine required. They were unconstitutional, because they denied to Congress the power to legislate upon the existence of slavery in territories. He referred to his speech at Jefferson to prove the contrary of that proposition, and to show that Congress had exercised that power from the foundation of the Government to the present day, with the sanction of all authorities, legislative and judicial, federal and state. The power was never questioned, until that fatal Friday, Feb. 19, 1847, when Mr. Calhoun brought in his new invented dogma, to be confounded and silenced by confrontation with his own scheme of opinions. But, away with his confrontations, and contradictions. His authority is not worth quoting, even against himself. In fact the unconstitutionality of that *clown* is now universally admitted. Since the speech at Jefferson, no man of any mind or character pretends to justify it. The man who would now deny the constitutional power of Congress to legislate slavery either into, or out of a territory, would betray an oligarchy of mental and moral vice—a perversion of intellect—and a proclivity for legal falsehood, which should forever disqualify him for sitting as *Judge or Juror* in any case of law, or equity whatever. And this more than justifies the appeal.

4. A fourth point of objection taken by Mr. B. was that clause of the instructions which denied the power of Congress to legislate about the existence of slavery in the territories; and the people had authority over them all, and especially when there was any variation between these agents as to the manner of doing the people's business. His appeal was to the people et, the question of their own will; it was to the whole people; for the instructions to him were in the name of the whole. They were not party instructions, but State instructions. They were in the name of the State; and to the State only, could the question of their correctness be directed. He then took nine different points of objection to the instructions, and spoke to each point fully as he presented it—speaking two hours, and carrying conviction and satisfaction with him wherever he went. We can only state these points, and give brief notes of the arguments which sustained them.

1. That they were in conflict with instructions given by the previous general Assembly, and complied with by him. On the 10th of February, 1847, the General Assembly of Missouri had passed resolutions instructing their Senators to apply the Missouri compromise to the new territories which might be acquired, with a preamble reciting the object of the compromise act, as declared in its title, to admit the State of Missouri on an equal footing with the other States "and to prohibit slavery in certain territories," and declaring that the peace, permanency and welfare of the National Union depended upon a strict adherence to the letter and spirit of that act. The subsequent instructions of the 7th of March, 1849, denied the power of Congress to prohibit slavery in the territories; and made the dissolution of the Union dependent on the passage of any act of Congress which prohibited slavery in any part of any territory. Thus the two sets of instructions were directly opposite to each other, both in point of constitutional power, and in point of consequence. They stood opposite at both points, for and against the Constitution; and for and against the Union. These first instructions, Mr. B. said, were constitutional, just and proper, were in accordance with the will of the people, had been complied with by him, and had never been contradicted by any previous resolve of the General Assembly, nor reversed by any decision of the people. More than that; they had passed the General Assembly unanimously; for the journals shew no division; and as certain in embryo who voted for the second set of resolution were members of the previous General Assembly, they must have voted diametrically opposite, both on the point of constitutional law and on the point of saving or destroying the Union; and he did not know that any member in that category had condescended to explain the process by which he came to the conclusion of voting the second time directly contrary to his first vote. In such a sudden, total, violent, radical change on such points as those of constitutional law, and the salvation or destruction of the Union, those who voted both ways ought to account for the change, ought to show the process by which their minds were turned upside down, and failed to the right about. They ought to do it for their own justification—for their own credit—as well as for the benefit of others. Perhaps they might make converts if they would show how they themselves were converted. But, not a word! The fatal contradiction was not even mentioned—not even "turkey" said to it. And thus, the last instructions were in double conflict with the first, both as the act of the body, and as the act of individual members.

2. The second objection Mr. B. took, was that these second resolutions did not emanate from any known will, or desire of the people. And here, he laid down a position to which the members in voting their instructions, were acting in their *Representative capacity*, and were bound to conform to the will of the people; and this, he said resulted not only from the nature of our Government, but was consecrated in the Missouri Constitution, which made a distinction between the manner of voting in the original, or in the Representative character. A citizen voting in his sovereign capacity, at the polls, was allowed to conceal his vote if he pleased, by voting by ballot; in his Representative capacity, he was bound to show his vote, by voting with the living voice, and naming the man he voted for; and this because his vote, in this case was not his own, and because he was accountable for it and his constituents to whom the vote belonged had a right to govern him in giving it. This was the case in the vote for United States Senator, and this showed that the Senator was the agent of the people and not of the Legislature; and consequently, that in giving him instructions, the will of the people, and not the pleasure of the individual members, must be followed. This he conceived to be fundamental Republican doctrine. Now, what was the fact with respect to these second instructions? Did the people call for them? Did they hold meetings, condemn the instructions of the previous session, and require directly opposite ones to be passed? Not at all. So far from it, that some who were going to change front, and contradict their previous vote, and who had no public reason to give for the sudden contradiction, tried to get instructions of their own framing to justify their change, were not able to do it—were not able to get instructions even in a county to stand for a pretext in the change—and had to vote without even the pretext of a reason. Mr. B. said he would be under-



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